IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5198 OF 2003

The State of Maharashtra .. Applicant.
Vs.
Charandas Mangilal Dhabi & Anr. .. Respondents.

Mr.R.Y.Mirza APP for the applicant.

CORAM : D.B.BHOSALE, J.

DATED : 3RD SEPTEMBER, 2004

P.C.:

. Heard Mr.Mirza, learned A.P.P. for the applicant.

2. By this application, the State is seeking cancellation of bail that was granted by by the Sessions Court in Criminal Miscellaneous Application No.508 of 2003 vide order dated 12.8.2003. The learned Judicial Magistrate, First Class had earlier rejected the application for bail filed by the respondent-accused and while so doing he made the following observations in paragraph 7 of the order dated 2.8.2003.

> "7. Hence, the investigation is not completed. The accused failed to furnish their residential proof of address as objected by the forest officer. The offence is in serious nature under Wild

> Life Protection Act. Accused are resident of State of Haryana. If they released, they will commit a similar type of offence and tamper the prosecution witness and evidence. The accused as arrested redhanded by the villagers and not by the forest officers. Hence, this court proceed to pass the following order".

3. The operative part of the order dated 12.8.2003 by which the applicants were enlarged on bail by the Sessions Court reads thus:

> . "Applicants be released on bail on their furnishing relevant security of Rs.30,000/- each with one or more local sureties of the like amount, and their personal bonds for the similar amount, on further conditions that they shall not tamper with prosecution witnesses and attend the trial regularly before the trial court.
>
> Bail in the trial court".

4. Considering the reasons recorded by the learned Magistrate for rejecting the bail and considering the order of bail granted by the

Sessions Court in the order dated 12.8.2003 I find no reason to interfere with the said order. The State by this application is seeking cancellation of bail on the ground that the learned Judge failed to impose conditions and/or direction to the respondent-accused to attend the investigating agency until the conclusion of their trial, more particularly because the respondent-accused are residents of State of Hariyana. In my opinion, ends of justice will be served by the following order:

. This application seeking cancellation of bail stands is rejected. The operative part of the order dated 12.8.2003 stands modified as under:

> . The respondent-accused are directed to report the concerned police station every alternate Saturday between 7 pm and 8 pm until the conclusion of their trial. The Investigating officer shall communicate this order to respondent nos.1 and 2 within four weeks from today. Rest of the conditions imposed by the Sessions Court vide order dated 12.8.2003 are maintained.

. With the aforesaid directions this application is disposed of.

(D.B.Bhosale, J.)